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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,371	12/22/2003	William Robert Hooks	4050-013-DIV (24.5)	9320

7590 01/12/2005
Jeffrey R. McFadden
Womble Carlyle Sandridge & Rice, PLLC
P.O. Box 7037
Atlanta, GA 30357-0037

EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT PAPER NUMBER

3765

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/743,371	Applicant(s) HOOKS ET AL.	
	Examiner Ismael Izaguirre	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

CLAIMS

Summary

Claims 25,29 and 31 are the independent claims under consideration in this Office Action.

Claims 26-28,30,32 and 33 are the dependent claims under consideration in this Office Action.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 25-33 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claims 25,29 and 31, last line (and last two lines in claim 31), "maintaining the garment article in inventory" is unclear. In broad terms, the claims define a process for providing a garment with a label after manufacture of the garment. However, there is no information defined on the label, or the garment, concerning an ability to keep track of the garment during inventorying of the garment. Providing a broad/ general "maintaining the garment in inventory" statement does not define anything beyond what is a typical desired goal of any manufacturing plant, clothing store or product distribution business, and as such, carries little patentable weight. In this

case, it is unclear how the garment is kept in inventory since there is no identifier on the garment or label which would facilitate this (say, through inventory information on the attached label).

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29,31 and 33 are rejected under 35 U.S.C. § 102(b) as being anticipated by Feldman (5,423,139).

Feldman teaches a garment 30 including a label 10 having information useful during inventory. The garment includes a point of attachment for the label and where a portion is provided which is removable from the garment for placement on the hanger specifically supporting the garment at the point of sale (column 2, line 49). The garment is provided with a label portion and the separated portion includes inventory information where a store may keep track of the available amount of garment at hand. The attachment of the label onto the hanger involves the steps of separating the label portion from the garment and a second step of attaching the label to the garment-supporting hanger. Accordingly, the garment is maintained in inventory. Further, a second label is provided having private information about the product and used as an aesthetic cover for the removable label.

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Claims 31 is rejected under 35 U.S.C. § 102(b) as being anticipated by Magill et al. (5,658,647).

Magill et al. teach a garment labeling system for providing a garment with label 90 inserted and attached to the garment 30 and including inventory information useful for maintaining the garment in inventory. Magill et al. teach an apparatus for feeding and attaching the label to the garment. The labeling system of Magill et al. is such that if there were a demand for more garments, the apparatus would print out more labels and attach them to more garments.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 29 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Farrelly et al. (4,576,68) in view of Magill et al.

Farrelly et al. disclose the invention substantially as claimed. Farrelly et al. teach a process for providing a point of attachment for a label on a garment. Farrelly et al. Teach the process comprising a bonding agent 16 sewn to the garment 14 as a point of attachment for a label placed thereon after the manufacture of the garment. The label is placed at the point of attachment and attached by the purchaser after manufacture of

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the garment. Attaching the label comprising steps of no more than placing the label at the point of contact and a second step of bonding the label at the point of contact using a heat activated pressure tool 26. However, Farrelly et al., do not suggest maintaining the garment article in inventory.

Magill et al. teach a garment labeling system for providing a garment with label 90 inserted and attached to the garment 30 and including inventory information useful for maintaining the garment in inventory. Magill et al. teach an apparatus for feeding and attaching the label to the garment. The labeling system of Magill et al. is such that if there were a demand for more garments, the apparatus would print out more labels and attach them to more garments.

Accordingly, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the label of Farrelly et al. as including inventory information printed thereon and attaching the label to the garment after manufacture. Providing the label attachable to the garment with inventory information would allow the store or distributor to keep track of how many garments are available and if the number of such garments is small then more garments can be ordered.

ALLOWABLE SUBJECT MATTER

Claims 25-28, 30 and 32 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Howell et al. illustrate a method and apparatus for feeding and

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sewing labels to a garment. La Velle et al. Illustrate a collar construction for a garment.

Halperin illustrates a garment including a double label on a garment. Hildebrandt

illustrates a system for coordinating garments through use of a label system.

Vachtsevanos et al. Illustrate an article with a label capable of retrofit to the article

where inventory information is available on the label. Freeman illustrates an attachable

label for placement on a garment usable at the point of sale of the garment.

INQUIRIES

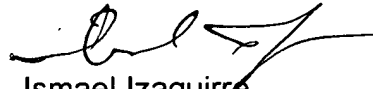
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ismael Izaguirre
Primary Examiner
Art Unit 3765

II

1/8/05